

## **Montana Insurance Continuing Education Fees and Administrative Rules**

**33-2-708. Fees and licenses.** (1) (a) Except as provided in 33-17-212(2), the commissioner shall collect a fee of \$1,900 from each insurer applying for or annually renewing a certificate of authority to conduct the business of insurance in Montana.

(iii) 50 cents for each page for copies of documents on file in the commissioner's office.

(2) (a) The commissioner shall charge a fee of \$75 for each course or program submitted for review as required by 33-17-1204 and 33-17-1205, but may not charge more than \$1,500 to a sponsoring organization submitting courses or programs for review in any biennium.

(b) Insurers and associations composed of members of the insurance industry are exempt from the charge in subsection (2)(a).

(4) All fees are considered fully earned when received. In the event of overpayment, only those amounts in excess of \$10 will be refunded.

### **Administrative Rules of Montana, Title 6, Chapter 6, Sub-Chapter 41**

#### **6.6.4102 Continuing Education Fees**

(1) Licensees:

(a) Late renewal fee . . . . \$ 20.00

(2) Accredited educational institutions are exempt from fee requirements for courses provided for academic credit.

### **Administrative Rules of Montana, Title 6, Chapter 6, Sub-Chapter 42**

#### **Continuing Education Program for Insurance Producers and Consultants**

**6.6.4201 SCOPE OF RULES** (1) These rules apply to continuing education programs for insurance producers and consultants, and include course content, qualifications of instructors, instructional format, courses and materials, review and approval procedures, application forms and fees.

**6.6.4202 DEFINITIONS** For the purposes of this sub-chapter, the following terms have the following meanings:

(1) "Accredited university or college" means an institution of higher learning that is certified by its appropriate accrediting agency to meet that agency's prescribed standards.

(2) "Approved continuing education course" means any course, seminar or program of instruction that has been approved by the commissioner for presentation as part of the continuing education requirements for licensees.

(3) "Certificate of completion" means a document issued by the sponsoring organization to the licensee signifying satisfactory completion of a course and reflecting credit hours earned by the licensee.

(4) "Classroom setting" means a course format in which a body of students meets to study the same course materials under the direction of the same approved instructor.

(5) "Credit hours" means the value assigned to a course by the commissioner, upon review and approval of course materials and content outline.

(6) "Instructor" means an individual who meets the requirements set forth in ARM 6.6.4204, is identified by a sponsoring organization in a course submission, participates in course presentations, activities and discussions, and who may monitor the attendance and conduct of course participants or administer examinations.

(7) "Licensee" means an individual required to be licensed under Title 33, chapter 17, parts 2, 4 or 5, MCA.

(8) "Proctor" means a person who monitors the attendance and conduct or the examination process for course participants, but who does not participate in course presentations, activities or discussions or complete any required examinations.

(9) "Significant change" means a change in two or more of the following course elements:

- (a) course goals or objectives;
- (b) major course topic(s);
- (c) course length;
- (d) syllabus or course outline;
- (e) teaching method; or
- (f) examination method.

(10) "Self study" means those independent study methods taught outside the classroom setting through approved text, audiotape materials, videotape materials or another method of information exchange.

(11) "Sponsoring organization" means any group(s) or organization(s) and their agent(s) that submit courses for department review and offer or provide approved courses for continuing education credit to allow licensees to meet the requirements of 33-17-1203 and 33-17-1204, MCA, and are responsible for those course offerings, or any individual Montana insurance producer or consultant who submits a course, pursuant to ARM 6.6.4203(14) for department review to allow that licensee to meet the requirements of 33-17-1203 and 33-17-1204, MCA.

**6.6.4203 COURSE SUBMISSIONS** (1) Except as provided in (14) below and ARM 6.6.4213, the following standards, by which acceptability of submitted courses should be evaluated, must all be certified by the sponsoring organization:

(a) the practical and academic experience of each faculty member is sufficient to teach the subject assigned;

(b) the course enhances the ability of a producer to provide insurance services to the public effectively;

(c) the subject matter relates to professional ethics, where practicable.

(2) Submissions for approval of courses must include at least the following information:

(a) the name of the sponsoring organization;

(b) the title of the course;

(c) the proposed date(s) of offering;

(d) course goals and objectives;

(e) major course topic(s);

(f) course length;

(g) a list of other states that have approved the course and the credits granted the course in other states;

(h) a syllabus or course outline;

(i) a summary of each course outline element;

(j) method of instruction, such as classroom, self study, videotape, audiotape, teleconference, etc;

(k) method of administering examinations, if any;

(l) method of attendance verification;

(m) method of student record maintenance;

(n) instructors, if any;

(o) a designated contact person;

(p) a written explanation of examination security measures and examination administration methods; and

(q) written notification of additional dates of course offering to the department 3 days in advance.

(3) Requests for approval of courses must be received by the commissioner no less than 15 days prior to the anticipated starting date of the course, except as provided in (14) below.

(4) Accredited university or college courses will be allowed 15 continuing education credits for each semester credit and 10 continuing education credits for each quarter credit.

(5) Charges for courses must be clearly disclosed to students before enrollment.

(a) if a course is cancelled for any reason, all charges are refundable in full, unless the refund policy is clearly defined in the enrollment application;

(b) in all instances, the charges must be refunded within 45 days of cancellation;

(c) in the event that a continuing education provider postpones a course for any reason, the provider must give the students a choice of attending a course at a later date or having their charges refunded in full. The provider must refund the charges within 45 days of

postponement unless the student notifies the provider that the student has chosen to attend a course;

(d) a sponsoring organization may have a refund policy addressing a student's cancellation or failure to complete a course, as long as that policy is made clear to potential students.

(6) A sponsoring organization must provide proof of course completion to each course participant who successfully completes the approved course of study within one month of course completion or prior to the end of the calendar year during which the participant completed the course. The commissioner may grant the sponsoring organization up to two months to provide such proof of course completion, if the sponsoring organization notifies the course participants in writing, in advance of the course.

(7) Sponsoring organizations who add qualified course instructors after a course is approved must submit the names of those instructors to the commissioner prior to the course offering.

(8) Except as provided in (15) below, course approval is for a period of two years following the course approval date.

(9) Sponsoring organizations must resubmit courses for new review and certification whenever significant changes in course content are made.

(10) The commissioner will only award credits for courses whose subject matter will increase the technical knowledge of insurance principles, coverages, laws or regulations. Technical knowledge includes subject areas described in 33-17-1204, MCA.

(11) If any credits are awarded for sales or marketing, those credits will be separately noted on the course approval document. Credits for sales or marketing may only be awarded in states that are permitted by law or regulation to accept credit for those topics. The commissioner shall award one credit for each 50 minutes of contact instruction. The commissioner will award credit hours for a self-study course based on the hours required to complete that course.

(12) The minimum number of credits that the commissioner may award is one credit.

(13) No course may be advertised as having been approved for credit by the commissioner until the sponsoring organization receives written approval from the commissioner.

(14) An individual Montana insurance producer or consultant who must meet the requirement of 33-17-1203, MCA, who submits a course for review and approval to meet that requirement:

(a) need not comply with (1)(a), (2)(g), (2)(k), (2)(m), and (2)(p), (5)(a), (5)(b), (5)(c), and (5)(d), (6), or (7) above, in preparing the course submission; and

(b) must submit the course no more than 45 days after the date of offering.

(15) Any credit hours assigned to a course submitted as described in (14), are available only to the producer or consultant who made the course submission for that one offering.

**6.6.4204 QUALIFICATIONS FOR INSTRUCTORS** (1) In order for a course to be approved, all involved instructors must meet the following qualifications:

- (a) hold a high school diploma or equivalent certificate; and
- (b) have experience in at least one of the following:
  - (i) have three or more years of managerial, supervisory, technical, or teaching experience in the insurance lines the individual plans to teach; or
  - (ii) have appropriate national designations; or
  - (iii) have been approved on an exception basis by the commissioner.
- (2) No person will be qualified as an instructor who:
  - (a) has had an insurance producer's or consultant's license suspended or revoked in Montana or any other state;
  - (b) has any outstanding fines for insurance-related disciplinary offenses imposed by the commissioner or by any regulatory authority in any other state;
  - (c) has been found to have violated or not complied with a provision of Title 33, MCA, during a contested case proceeding within the preceding two years; or
  - (d) has been found to have violated a rule, subpoena or order of the commissioner or by any regulatory authority in any other state, during a contested case proceeding within the preceding two years.
- (3) An instructor may be disqualified, if that person:
  - (a) has been convicted of a felony;
  - (b) has falsified documents filed with the commissioner;
  - (c) has misrepresented course approval, credit hour assignment, curriculum, or content of a course to students or prospective students;
  - (d) has solicited students as clients or recruited students as candidates for appointment by insurers or agencies during the instructional portion of a course offering; or
  - (e) has been found to have violated other applicable statutes or administrative rules.
- (4) Licensees teaching or lecturing approved courses will be credited with two times the number of approved credit hours of courses they instruct.
- (5) Proctors will not earn continuing education credit for their services.

**6.6.4205 EXAMINATIONS** (1) Except as provided in (5) below, all courses must include an examination which requires a passing score to qualify for a certificate of completion.

- (2) For each approved course, the sponsoring organization shall maintain a pool of tests sufficient to maintain the integrity of the testing process.
- (3) The sponsoring organization shall administer, monitor, grade and record the results of the test.
- (4) The sponsoring organization shall retain completed tests for a period of not less than 12 months and the tests must not be returned to any licensee.

(5) Courses taught by an approved instructor in a classroom setting are exempted from the examination requirement.

**6.6.4206 CERTIFICATION REQUIREMENTS FOR LICENSEES AND LIMIT ON CREDIT FOR COURSES REPEATED** (1) Each licensee subject to these rules must file an appropriate certificate of completion and pay the required certification fee each year in the first six months of the calendar year for courses completed in the preceding year. Such certification must be submitted on a schedule established on forms supplied or approved by the commissioner, and completed in their entirety.

(2) Producers and consultants may not earn credit for any courses repeated as either student or instructor within a 2-year period.

**6.6.4207 EXTENSIONS OF TIME FOR COURSE COMPLETIONS** (1) A licensee may request an extension of the period for required credit hour completion prior to the annual deadline set in 33-17-1203, MCA.

(2) Each request for an extension of time must be in writing and must include a narrative description of the reasons for the request and any available documentation to support the request.

(3) Upon a finding of good cause, the commissioner may extend the time for the licensee to complete the requirement.

(4) The licensee's licenses and appointments will remain in effect during the extension period.

**6.6.4208 NON-RESIDENT REQUIREMENTS** (1) A non-resident licensee whose state of residence imposes continuing education requirements similar to those of Montana, may comply with Montana's continuing education requirement by submitting a completed compliance certification form or a letter of certification from the resident state confirming compliance in that state.

(2) Non-resident licensees from states that do not require continuing education must meet the requirements of this state.

**6.6.4209 COURSE AUDIT** (1) The commissioner or members of the commissioner's staff may audit courses approved for the continuing education program on a no-fee basis and as a regular part of course review, with or without notice to the course provider.

(2) A sponsoring organization shall provide records at the commissioner's request.

**6.6.4210 SANCTIONS AGAINST COURSES AND SPONSORING ORGANIZATION SUSPENSION** (1) Approval of a program may be revoked or placed under probationary approval if the commissioner determines that:

- (a) the program teaching method or program content no longer meet the standards of these rules or have been significantly changed without approval of the commissioner; or
  - (b) the sponsoring organization certifies that an individual has completed a program in accordance with the standards established for certification or completion of the program, when in fact the individual has not done so; or
  - (c) the sponsoring organization did not certify licensees who satisfactorily completed the program in accordance with the sponsoring organization's standards for certification or completion; or
  - (d) the instructor or sponsoring organization no longer meets the standards of these rules, has had a license revoked or placed under probationary approval, or lacks education or experience in the subject matter of the proposed courses.
- (2) Reinstatement of a revoked or probationary approval may be made upon proof satisfactory that the conditions responsible for the revocation or probationary approval have been corrected and the provider is not otherwise disqualified.
- (3) The commissioner reserves authority to issue a cease and desist order under 33-1-318, MCA.

#### **6.6.4211 REQUESTS FOR RECONSIDERATION OF CREDIT HOUR**

**ASSIGNMENT** (1) A sponsoring organization may request reconsideration of the credit hours assigned to a course. Such requests must:

- (a) be in writing;
  - (b) include any additional supporting documentation on which the request is based to include documentation to show how many blocks of 50 minute instruction are in the course of instruction; and
  - (c) be submitted to the commissioner within 20 business days of notification to the sponsoring organization of assignment of credit hours to the course.
- (2) The advisory council, at its next meeting, shall evaluate any submitted requests for reconsideration, the original course submission and any additional materials provided to support the request for reconsideration.
- (3) After evaluating the request for reconsideration, the advisory council may recommend to the commissioner to increase, decrease or maintain the credit hours assigned to the course. The council shall only recommend one credit per 50 minutes of instruction.
- (4) The commissioner will review the recommendation of the advisory council and assign credit hours to the course.
- (5) Increased credit hours assigned to a course by the commissioner will be granted to licensees who complete the course after the submission date of the request for reconsideration of credit hour assignment.
- (6) After the commissioner decreases the credit hours assigned for a course, the commissioner shall notify the sponsoring organization.

#### **6.6.4212 REQUESTS FOR RECONSIDERATION OF COURSE DISAPPROVAL**

(1) A sponsoring organization may request reconsideration of the commissioner's disapproval of a course. Such requests must:

- (a) be in writing;
  - (b) include any additional supporting documentation on which the request is based;
- and
- (c) be submitted to the commissioner within 20 business days of notification to the sponsoring organization of disapproval of the course.

(2) Requests for reconsideration, the original course submission and any additional materials provided to support the request will be presented at the next corporal meeting, as defined in 2-3-202, MCA, of the advisory council.

(3) After evaluating the request for reconsideration, the advisory council may recommend to the commissioner to approve or disapprove the course.

(4) The commissioner will review the recommendation of the advisory council and approve or disapprove the course.

(5) Credit hours assigned a course approved by the commissioner will be granted to licensees who complete the course after the submission date of the request for reconsideration of course disapproval.

#### **6.6.4213 CONDITIONS OF NON-RESIDENT SPONSORING ORGANIZATIONS**

(1) The following conditions apply to nonresident sponsoring organizations whose state has signed a compact regarding sponsoring organizations that includes this state as a signatory:

- (a) the commissioner may not require the sponsoring organization to file courses for substantive review that have been awarded credit by the sponsoring organization's resident state. However, the sponsoring organization shall also file the instructors' names and social security numbers;

- (b) once the sponsoring organization's resident state reviews and approves the instructor's qualifications, the commissioner may not review the instructor's qualifications again;

- (c) the commissioner may disapprove instructors or sponsoring organizations who have been the subject of disciplinary proceedings or who have otherwise failed to comply with a state's laws and rules;

- (d) the commissioner agrees to notify other states when a sponsoring organization has been the subject of a formal administrative action or other disciplinary action;

- (e) the commissioner shall accept the midwest zone standard continuing education form or a substantially similar form provided by a non-resident sponsoring organization;

- (f) the commissioner shall award a course the same number of credits and will accept all course topics as approved by the sponsoring organization's resident state;

- (g) a sponsoring organization shall pay the commissioner a \$75 fee for each course submitted as required by 33-17-1204, MCA;



(h) the commissioner is not required to accept any topic, provider or instructor that is not eligible for approval under this state's laws and regulations.